

IN THE UNITED STATE DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

**MICHAEL HESTER, on behalf of himself  
and all others similarly situated,**

**PLAINTIFF**

**V.**

**CASE NO. 5:18-CV-05225-TLB**

**WALMART, INC.,**

**DEFENDANT**

**DECLARATION OF RANDALL K. PULLIAM IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Randall K. Pulliam, hereby state under penalty of perjury as follows:

1. I am a partner with the firm of Carney Bates & Pulliam, PLLC ("CBP"). My firm, CBP, has served as local counsel in the above-referenced action (the "Action" or "Litigation"). I am submitting this Declaration in support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement. This Declaration is based upon my personal knowledge and if called to testify, I could and would do so competently as to the matters set forth herein.

2. Attached hereto as Exhibit 1 is the Firm Resume of Carney Bates & Pulliam, PLLC.

3. As reflected by my firm's resume, CBP is actively engaged in complex federal and state court civil litigation, particularly the litigation of consumer class actions, and have achieved significant results for class members. *See* Exhibit 1. Thus, CBP has extensive experience in both class action litigation and in large consumer fraud cases such as this one, and is familiar with both the legal and factual issues in this case.

4. Accordingly, CBP has the experience and knowledge to fairly and adequately represent Plaintiff and the proposed Class in this Action.

5. In addition, CBP is well-capitalized and, along with Finkelstein, Blankinship, Frei-Pearson & Garber, LLP, has committed the resources necessary to effectively litigate this Action throughout the course of the litigation and achieve an excellent result for Plaintiff and the proposed Class.

6. In sum, CBP and Finkelstein, Blankinship, Frei-Pearson & Garber, LLP have worked steadfastly and productively throughout this matter to achieve the best possible result for Plaintiff and the proposed Class.

I declare under penalty of perjury that the foregoing is true and correct, this 8<sup>th</sup> day of June, 2020.



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Randall K. Pulliam

# EXHIBIT 1

## The Firm's Practice and Achievements

Carney Bates & Pulliam, PLLC is a national law firm that represents clients in complex litigation ranging from data privacy/security to false advertising or deceptive marketing to securities fraud to environmental hazards. Carney Bates & Pulliam is recognized as one of the country's premiere firms in the areas of consumer protection class actions, securities fraud, environmental law and employment discrimination.

The attorneys at Carney Bates & Pulliam are uniquely qualified to prosecute consumer protection claims. For example, the firm has represented the State of New Mexico in numerous lawsuits against some of the largest financial service companies in connection with their practice of deceptively marketing and implementing Payment Protection Plans. Recently, the firm recovered over \$100 million for credit card holders in various actions against Bank of America, Capital One, Chase, Discover and HSBC. Additionally, the firm served as co-lead counsel in *Ebarle, et al. v. LifeLock, Inc.*, 3:15-cv-00258 (N.D. Cal.), a class action on behalf of Customers of the identity theft protection service, arising from claims that LifeLock delivered false statements about its services and failed to alert customers on a timely basis of potential identity theft. A nationwide settlement of \$81 million, was granted final approval in September, 2016. The firm also served as counsel in *Wayne Miner et al. v. Philip Morris USA Inc.*, Circuit Court of Pulaski County, Arkansas, Case No. 60CV-03-4661, a class action brought on behalf of Arkansas smokers over claims that the defendant misrepresented the safety of its "light" cigarette products, which settled in 2016 for \$45 million.

In addition, our attorneys were appointed by the court as co-lead counsel in *Matthew Campbell, et al. v. Facebook, Inc.*, 4:13-cv-05996-PJH (N.D. Cal.), a class action involving allegations of email interception and violations of federal anti-wiretapping laws. Final approval of an injunctive relief settlement, securing disclosures and limitations on Facebook's interception and use of private message content, was granted on August 18, 2017. Similarly, in *Daniel Matera, et al. v. Google, Inc.*, 5:15-cv-04062-LHK (N.D. Cal.), CBP served as co-lead counsel in a class action involving allegations of email interception and violation of state and federal anti-wiretapping laws. A settlement, requiring Google to stop using content derived from email transmissions for user profiling and targeted advertising, was granted final approval on February 9, 2018. CBP served as lead counsel in *Econo-Med Pharmacy, Inc. v. Roche Diagnostics Corporation*, 1:16-cv-00789-TWP-MPB (S.D. Ind.), representing a class of pharmacies in a Telephone Consumer Protection Act ("TCPA") litigation resulting in a \$17 million settlement, which was granted final approval on September 21, 2017. Additionally, CBP served as lead counsel in *ARcare, Inc. v. Qiagen North America Holdings, Inc., et al.*, Case No. 43CV-17-46 (Judge Sandy Huckabee, Lonoke Co. Cir. Ct.), representing a class of pharmacies in a TCPA litigation resulting in a \$15.5 million settlement, which was granted final approval on December 3, 2018.

Our attorneys were also appointed to the Plaintiffs' Steering Committee in *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, 1:14-md-02583-TWT (N.D. Ga.), an MDL class action brought on behalf of injured financial institutions in the wake of a massive retailer data breach. A settlement, with a common fund of \$25 million and an additional fund of \$2.25 million for distribution to financial institutions whose claims were purportedly released by third-party sponsors, was granted final approval on September 22, 2017. We served as counsel for the lead plaintiff in *In re: Target Corporation Customer Data Security Breach Litigation*, 0:14-cmd-02522-PAM-JJK (D. Minn.), successfully representing Umpqua Bank and a class of financial institution plaintiffs over injuries suffered from one of the largest data breaches in history. A settlement, valued at \$39.4 million, was granted final approval by the Court on May 12, 2016. CBP also was appointed to the Financial Institution Plaintiff's Steering Committee in the multi-district litigation, *In re: Equifax, Inc., Customer Data*

*Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.). The litigation arises from the 2017 Equifax data breach, in which hundreds of millions of consumer records were stolen by third parties.

CBP's reputation for excellence in accounting fraud and other complex class actions has been recognized on repeated occasions by federal and state court judges who have appointed the firm to serve as lead or co-lead counsel in numerous cases throughout the country. In this regard, the firm has successfully represented certain states throughout the country in matters involving securities litigation such as in *Mississippi Public Employees Retirement System v. Semtech* and *In re Sterling Financial Corporation Securities Class Action*, representing Public Employees Retirement Association of New Mexico and the New Mexico Educational Retirement Board.

The firm has been successful at protecting shareholders in "change-of-control" transactions seeking to maximize shareholder value. For example, the firm represented shareholders of Nationwide Financial in a going private transaction and was able to negotiate more than \$200 million for the public shareholders in the form of an increased share price. In a similar matter, attorneys at the firm represented shareholders of 7-Eleven and brokered an additional \$140 million in the sales price.

Additionally, our attorneys handling environmental litigation possess expert knowledge in issues related to groundwater and air pollution, toxic exposures, leaking pipelines and underground storage tanks, oil field contamination, and pesticides. The firm pursues claims against corporate polluters and governmental agencies on the state, local and federal level. For example, Carney Bates & Pulliam served as co-lead counsel on behalf of the Quapaw Tribe in a case that involved natural resources damages to tribe-related lands from lead and zinc mining, which resulted in an \$11.5 million settlement against Asarco, LLC, in addition to confidential settlements with four other mining companies.

In the employment context, Carney Bates & Pulliam served as co-lead counsel in *Nelson v. Wal-Mart Stores, Inc.*, 04-00171 (E.D. Ark.), a nationwide race discrimination class action on behalf of African-American truck drivers against Wal-Mart that provided \$17.5 million in recovery, as well as significant changes to Wal-Mart's hiring policies and four years of court supervision of the settlement terms.

In addition to its strong personnel, Carney Bates & Pulliam is well-capitalized, allowing it to dedicate considerable resources and to advance expenses on a contingency fee basis to the fullest extent necessary to achieve the best possible result for class members. As a result of its successful track record and strong capitalization, the firm enjoys a high level of respect and credibility with the defense bar and insurance carriers that often defend and insure corporations and their officers and directors.

As a firm, Carney Bates & Pulliam values practicing in a small environment where professional and personal interaction among the partners, associates, paralegals, accounting staff and other personnel allow for a true "team approach" to litigation strategy that fosters an energetic exchange of ideas. The firm believes its size allows for a greater degree of independence, flexibility and satisfaction than a large firm environment, without sacrificing the quality of representation necessary to achieve successful results for its clients.

## The Firm's Attorneys

### **ALLEN CARNEY**

Mr. Carney is a graduate of the University of Arkansas, earning a degree in Finance. Subsequently, Mr. Carney graduated from the University of Arkansas at Little Rock School of Law.

Allen Carney concentrates his practice on prosecuting complex litigation on behalf of investors, consumers and employees. He has extensive experience in nationwide cases, including appointment as lead counsel in dozens of securities and consumer class actions. He has successfully represented investors and consumers in cases that achieved cumulative recoveries in the hundreds of millions of dollars for plaintiffs.

Mr. Carney played a key role in litigating the various Payment Protection actions against the largest credit card issuers. These actions resulted in significant recoveries for injured consumers. See *Kardonick v. JPMorgan Chase*, S.D. Florida, \$20 million; *Essliger v. HSBC Bank Nevada*, E.D. Pennsylvania, \$23.5 million; *In re Discover Credit Card Payment Protection*, N.D. Illinois, \$10.5 million; *In re Bank of America*, N.D. California, \$20 million; *Spinelli v. Capital One*; M.D. Florida; more than \$100 million.

Mr. Carney was lead counsel in Semtech Securities Litigation, a federal securities fraud class action that settled prior to trial achieving a significant recovery for investors. Additionally, he has served as lead counsel in numerous other federal securities fraud class actions, including *In re Lernout & Hauspie Securities Litigation*, No. 00-11589-PBS (D. Mass.) (\$115 million settlement); *In re NewPower Securities Litigation*, No. 2-CV-1550 (S.D.N.Y.) (\$41 million settlement); *In re DQE, Inc. Securities Litigation*, No. 01-1851 (W.D. Pa.); *In re Ashanti Goldfields Securities Litigation*, No. CV-00-9717 (DGT) (RML) (E.D.N.Y.); *In re Central Parking Corporation Securities Litigation*, No. 03-CV-0546 (M.D. Tenn.); *In re Keyspan Securities Litigation*, No. CV-01-5852 (ARR) (MDG) (E.D.N.Y.); *Paul Ruble, et. al. v. Rural Metro Corp., et. al.*, No. CV-99-822-PHX-RGS (D. Ariz.).

Prior to joining the firm, Mr. Carney was a partner with Jack, Lyon & Jones, P.A. in the Little Rock, Arkansas office, where he practiced extensively in the areas of complex commercial litigation, labor and employment litigation, and business transactions. Allen was involved in a number of high-profile cases, including the successful defense of Capital Cities/ABC News in an action brought by Tyson Foods regarding the secret videotaping of chicken processing plants. He was also a Contributing Author to "Arkansas Employment Law Letter," published by M. Lee Smith, 1995.

Mr. Carney is licensed to practice law in Arkansas state courts, the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Court of Appeals for the Third and Eighth Circuits. Mr. Carney has argued before the Arkansas Supreme Court. Additionally, Mr. Carney has appeared in numerous federal and state courts across the nation via admission *pro hac vice*.

### **HANK BATES**

Hank Bates focuses his practice on representing individuals, small businesses, public interest groups and governmental entities in litigation to combat consumer fraud, protect data privacy, guard employee rights, clean up pollution and preserve the environment.

Hank has worked to protect consumers in a variety of settings. Recently, Hank successfully prosecuted *Williams, et al. v. State Farm*, 4:11-cv-00749-KGB (E.D. AR), alleging State Farm illegally took a portion of its insureds' settlements with third parties. After over six years of litigation, this case settled in June 2018, resulting in a \$21.7 million common fund with 7,630 Arkansans receiving 100% recovery of the improperly taken funds plus 6 percent interest without having to file a claim or sign any release. Hank also served as co-lead counsel in *Ebarle, et al. v. LifeLock, Inc.*, 3:15-cv-00258 (N.D. Cal.), a class action on behalf of customers of the identity theft protection service, arising from claims that LifeLock delivered false statements about its services and failed to alert customers on a timely basis of potential identity theft. A nationwide settlement of \$81 million was approved in September 2016.

Hank also served as counsel in *Wayne Miner et al. v. Philip Morris USA Inc.*, Circuit Court of Pulaski County, Arkansas, Case No. 60CV-03-4661, a class action brought on behalf of Arkansas smokers over claims that the defendant misrepresented the safety of its "light" cigarette products, which settled in 2016 for \$45 million.

Hank is at the forefront of data privacy and data security litigation. In the data privacy context, he served as court-appointed class counsel in *Matera, et al. v. Google, Inc.*, 5:15-cv-04062-LHK, securing a class action settlement in 2018 requiring Google to stop using content derived from email transmissions for user profiling and targeted advertising, and also served as court-appointed class counsel in *Campbell, et al. v. Facebook, Inc.*, 4:13-cv-05996-PJH (N.D. Cal.), securing a settlement in 2017 requiring disclosures of and limitations on Facebook's interception and use of private message content. He currently serves as co-lead counsel in three related actions challenging 24 defendants' surreptitious tracking, profiling and targeting of tens of millions of children for commercial exploitation while they play some of the most popular, child-directed gaming apps.

Hank has been involved in litigation over some of the largest consumer data breaches in history, serving as counsel for the lead financial institution plaintiff in *In re: Target Corporation Customer Data Security Breach Litigation*, 0:14-cmd-02522-PAM-JJK (D. Minn.), which recovered \$39.4 million for the class of financial institutions, and serving on the Plaintiffs' Steering Committee in *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, 1:14-md-02583-TWT (N.D. Ga.), which recently settled for \$25 million for the class of financial institutions. In February 2018, Hank was appointed by the court to the Financial Institutions Plaintiffs' Steering Committee in the Equifax, Inc. Customer Data Breach Litigation.

In the environmental context, Hank has represented numerous communities across America where neighboring industries polluted their air and tainted their groundwater. These cases have resulted in multi-million-dollar recoveries for the residents of these communities as well as agreements and court orders requiring remediation of contamination and compliance with the environmental laws in the future. For example, as co-lead counsel for the Quapaw Tribe of Oklahoma, Hank secured an \$11.5 million settlement from Asarco, LLC for spoiling the Tribe's historic reservation with lead and zinc mining waste, in addition to confidential settlements from four other mining companies. Hank also has represented successfully numerous farmers in cases involving crop damage by defective pesticides. In addition, he has represented conservation groups in California and Arkansas to protect our waterways from pollution, free-flowing stream from dams, and endangered species from loss of critical habitat.

Hank's employment litigation includes acting as court-appointed class counsel in a nationwide race discrimination class action on behalf of African-American truck drivers against Wal-Mart that provided \$17.5 million in recovery, significant changes to Wal-Mart's hiring policies and four years of court supervision of the settlement terms requiring improved hiring practices.

In his community, Hank currently serves as President of the Board of Directors for Arkansas Advocates for Children and Families, and on the Advisory Board for the Arkansas Journal of Social Change and Public Service. He served as an inaugural board member of the Arkansas Citizens First Congress and has been honored as Sierran of the Year by the Arkansas Chapter of the Sierra Club, Civil Rights Activist of the Year by the Arkansas Public Policy Panel, and has received the Angel Award from Treatment Homes, Inc., which provides training for therapeutic foster care parents.

Hank is active in the bar, currently serving as Arkansas State Coordinator for Public Justice. In the past he has served as the Chairman of the Environmental Law Section of the Arkansas Bar Association and as Vice-Chairman of the American Bar Association's Committee on Pesticides, Chemical Regulation, and Right-to-Know.

Hank is listed in The Best Lawyers in America and as a "Super Lawyer" (among the top 5 percent of lawyers in Arkansas, Mississippi and Tennessee) by Mid-South Super Lawyers Magazine.

### **RANDALL K. PULLIAM**

Mr. Pulliam graduated from the University of Central Arkansas with a Bachelor of Business Administration degree, where he was nominated for Outstanding Management Student in the university's School of Business. Mr. Pulliam later earned his Master of Business Administration degree from the University of Arkansas, with an emphasis in Finance. Mr. Pulliam earned his juris doctorate from the University of Arkansas at Little Rock (UALR) School of Law where he received multiple American Jurisprudence Awards.

Mr. Pulliam has been appointed lead counsel in dozens of successful class actions relating to consumer protection, including *Econo-Med Pharmacy, Inc. v. Roche Diagnostics Corporation*, 1:16-cv-00789-TWP-MPB (S.D. Ind.), representing a class of pharmacies in a Telephone Consumer Protection Act (“TCPA”) litigation resulting in a \$17 million settlement and *ARcare, Inc. v. Qiagen North America Holdings, Inc., et al.*, Case No. 43CV-17-46 (Judge Sandy Huckabee, Lonoke Co. Cir. Ct.), representing a class of pharmacies in a TCPA litigation resulting in a \$15.5 million settlement; Mr. Pulliam has been co-lead counsel in *Ebarle, et al. v. LifeLock, Inc.*, 3:15-cv-00258 (N.D. Cal.), a class action on behalf of Customers of the identity theft protection service settled for million; *Kardonick v. JPMorgan Chase & Co.*, S.D. Florida, \$20 million; *Esslinger v. HSBC Bank Nevada*, E.D. Pennsylvania, \$23.5 million; *In re Discover Credit Card Payment Protection*, N.D. Illinois, \$10.5 million; *In re Bank of America Credit Protection Marketing & Sales Practices Litig.*, N.D. California, \$20 million; *Spinelli v. Capital One*; M.D. Florida; more than \$100 million. Mr. Pulliam represented the State of New Mexico in a series of lawsuits that each favorably resolved asserting causes of actions for violations of the Dodd-Frank Act and state law against seven of the largest financial institutions in the world.

Mr. Pulliam has substantial experience in many areas of the securities industry, holding his Series 7 General Securities Representative license. Mr. Pulliam worked for Stephens, Inc. as an Equity Trader for four years, where he executed in excess of \$2 billion in securities transactions each year and participated in the firm's underwriting and Initial Public Offering allocation decisions. Prior to working at Stephens, Mr. Pulliam worked as an investment banker for Crews and Associates, Inc., where he was responsible for buying municipal bonds for both individual and institutional investors.

Mr. Pulliam has also represented investors seeking financial recovery for losses suffered as a result of securities fraud, as well as in “change-of-control” transactions seeking to maximize shareholder value. Mr. Pulliam represented shareholders of Nationwide Financial in a going private transaction and was able to achieve more than \$200 million to the public shareholders. In a similar matter, Mr. Pulliam represented shareholders of 7-Eleven and helped negotiate an additional \$140 million in the sales price.

Prior to joining the firm, Mr. Pulliam had a successful law practice in a variety of legal areas, including commercial litigation, where he gained extensive courtroom experience, successfully trying several jury trials.

On the issues of securities fraud and fiduciary duty, Mr. Pulliam has been quoted in numerous publications, including the New York Times and the Dallas Morning News. Mr. Pulliam has also provided presentations about issues affecting institutional investors at conferences and to the boards of numerous public and union pension funds, including being a panelist on the 2005 Institutional Shareholder Services Annual Conference, The Fiduciary Responsibility to Claim Securities Class Action Settlements. Mr. Pulliam is past chair of the Arkansas Bar Association Securities Law Section.

**TIFFANY WYATT OLDHAM**

Ms. Oldham graduated *cum laude* from the University of Arkansas at Fayetteville School of Law in 2001. She served as a member of the Board of Advocates and the W.B. Putman Inns of Court. In addition, Ms. Oldham served as President of Phi Delta Phi honors fraternity. During her law school career, Ms. Oldham participated in various trial competitions and moot court, where she was selected as a semi-finalist in the spring rounds. Ms. Oldham has a Bachelor's of Arts in English from the University of Arkansas at Fayetteville.

Ms. Oldham began her legal career with Carney Bates & Pulliam in 2002, and for over a decade now, she has focused her practice on securities and consumer fraud class actions.

Ms. Oldham has had a significant role in several of the firm's prominent cases, including: *Spinelli v. Capital One Bank*, No. 08-CV-132-T-33EAJ (M.D. Fla.); *In re Semtech Corp. Securities Litigation*, No. 07-cv-7114 (FMOx) (C.D. Cal.); *In re Fleming Companies, Inc. Securities and Derivative Litigation*, 5-030MD-1530 (TJW) (E.D. Tex.); *In re Keyspan Securities Litigation*, No. CV-01-5852 (ARR) (MDG) (E.D.N.Y.); *Freidman v. Rayovac Corporation*, No. 02-CV-0308 (W.D. WI); *In re IXL Enterprises, Inc. Securities Litigation*, No. 1:00-CV-2347-CC (N.D. Ga.); *Asher v. Baxter International, Inc.*, et. al., No. 02-CV-5608 (N.D. IL). Having prosecuted numerous class actions through all stages of the litigation process, Ms. Oldham has experience with the full range of litigation issues confronting investors and consumers in complex litigation.

Working together with her colleagues at Carney Bates & Pulliam, Ms. Oldham's work has contributed to hundreds of millions in recoveries for investors and consumers. Specifically, Ms. Oldham has contributed to the litigation and settlement efforts in the following cases: *Ebarle, et al. v. Lifelock, Inc.*, Case No.3:15-cv-00258 (N.D. Cal) (consumer class action that resulted in a \$81 million settlement); *Econo-Med Pharmacy, Inc. v. Roche Diagnostics Corp.*, Case No. 1:16-cv-00789-TWP-MPB (S.D. Ind.) (TCPA class action that resulted in a \$17 million settlement); *ARcare, Inc. v. Qiagen North America Holdings, Inc.* et al., Case No. 43CV-17-46 (Lonoke Co. Cir. Ct.) (TCPA class action that resulted in a \$15.5 million settlement); and *Williams v. State Farm Mutual Automobile Ins. Co.*, Case No. 4:11-cv-00749-KGB (E.D. Ark.) (litigation involving insurance settlement practices that resulted in a common fund settlement of \$21.7 million).

Ms. Oldham has also worked on notable data breach and privacy cases, including the following: *In re Equifax, Inc., Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.); *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, Case No. 1:14-md-02583-TWT (N.D. Ga.); and *In re: Target Corporation Customer Data Security Breach Litigation*, Case No. 0:14-cmd-02522-PAM-JJK (D. Minn.).

Immediately prior to joining Carney Bates & Pulliam, Ms. Oldham spent time overseas working for the Japanese municipal government in Okinawa, Japan. In addition, Ms. Oldham worked as an intern for the United States Bankruptcy Court, Western Division of Arkansas, where she assisted in researching bankruptcy issues and administrating bankruptcy proceedings.

Ms. Oldham is licensed to practice in the Arkansas state courts and the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Courts of Appeals for the Third Circuit. She is currently a member of the American, Arkansas and Pulaski County Bar Associations. Ms. Oldham has experience in a multitude of legal fields including securities law, corporate law, business litigation, real estate transactions, and insurance regulation.

### **DAVID SLADE**

David Slade's path to the law was a nontraditional one. After graduating from college at Yale, he moved to New York City, working at various jobs in the music industry, forming a band, and spending several years touring the country and recording albums. Throughout this period, his interest in the law was nurtured by a side job as a trial assistant in the hormone therapy litigation, *In re: Prempro Products Liability Litigation*, Case No. MDL 1507.

Following his work with the *Prempro* MDL, David attended the University of Arkansas at Little Rock William H. Bowen School of Law. While there, he co-founded the Arkansas Journal of Social Change and Public Service, an online, interdisciplinary publication for which he served as Editor-in-Chief. He oversaw the Journal's inaugural symposium, as well as a variety of community engagement efforts. In its first year, the Journal published submissions from authors throughout the world. David graduated from the University of Arkansas at Little Rock William H. Bowen School of Law in 2013 with high honors.

At Carney Bates & Pulliam, David's principal focus is on consumer protection, with an emphasis on data privacy and data security. Extending his advocacy beyond litigation, David organized a cyber safety training summit for Arkansas law enforcement and victim assistance professionals, in conjunction with the National Organization of Victim Assistance (NOVA). David has authored articles and presented CLEs on data breach litigation issues, with an emphasis on financial institution plaintiffs. He is also a founding member and current co-chair of the Website and Social Media Content Liability Litigation Group of the American Association for Justice.

In addition to his work in the class litigation context, David is a member of the Volunteers Organization, Center for Arkansas Legal Services (VOCALS), an organization committed to pro bono advocacy. He serves on the board of Center for Arkansas Legal Services, a 501(c)(3) nonprofit organization that provides free legal services to low-income individuals residing in the state of Arkansas. He also serves on the board of Fuse, an interdisciplinary resource center for homeless advocacy and care in Central Arkansas.

### **LEE LOWTHER**

Lee Lowther represents consumers in complex litigation who have fallen victim to the frauds, schemes, and abuses of unscrupulous actors. For several years before joining Carney Bates & Pulliam, Lowther had a wide-ranging defense practice at a respected firm in Little Rock, Arkansas. During his time as a defense lawyer, Lowther learned how to exploit procedural and substantive weaknesses in plaintiffs' cases. This experience serves him well on the other side, enabling him to spot and solve problems before they arise.

Lowther has also benefited from working in the courts. During law school, Lowther worked as an intern for the Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas. And after graduating, Lowther clerked for the Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas. In these roles, Lowther had the benefit of working on cases during every stage of litigation, from the filing of the complaint through rulings on post-judgment motions. More importantly, Lowther observed firsthand how litigation strategies succeed and fail.

During law school, Lowther was chosen by faculty to join the National Trial Competition Team. Lowther also competed in the 2012 Ben J. Altheimer Moot Court Competition, where he and his partner took the award for Best Respondent's Brief. Lowther graduated from the University of Arkansas at Little Rock William H. Bowen School of Law in 2013 with high honors.

### **JAKE WINDLEY**

Jake Windley is the newest associate at Carney, Bates, & Pulliam. Jake attended law school at UALR Bowen, where he graduated with high honors and served as the Executive Editor for the school's law review. During this time, he worked with the Arkansas Attorney General's Office in the Public Protection Division as the Janet Steiger Anti-Trust Fellow, a position sponsored by the American Bar Association. It was there that he developed his passion for consumer protection while working on anti-trust, healthcare, and consumer fraud cases. At Carney, Bates, & Pulliam, he has focused his attention to data privacy, debt relief, and consumer protection cases.

**WILLIAM P. CREASMAN**

For more than 32 of his 41 years of practice, Will has built and managed corporate legal departments and served as a chief legal officer or general counsel of a variety of companies, including Alltel Wireless, TCBY, and Wrangler Europe. Will has extensive domestic and international experience in corporate governance, securities, marketing, advertising, franchising, insurance, telecommunications, information technology, and employment law and has worked in the insurance, telecommunications, information technology, manufacturing, and foodservice industries.

He obtained his law degree from Wake Forest University and his undergraduate degree from The Johns Hopkins University. Over the years he has been an adjunct professor at the School of Law, University of Arkansas – Little Rock, a member of the Board of Directors of the Center for Arkansas Legal Services (a pro bono legal services corporation), and a Commercial Panelist for the American Arbitration Association. He is admitted to practice in Arkansas, North Carolina, and Texas.

**CASSANDRA DECOURSEY**

Cassandra DeCoursey is the firm's newest associate. Her practice focuses on consumer protection. Prior to joining the firm, she was a judicial clerk for the Honorable Lavenski R. Smith, Chief Judge of the United States Court of Appeals for the Eighth Circuit. She graduated *summa cum laude* from the University of Arkansas at Little Rock William H. Bowen School of Law, where she was both an Associate Editor for the school's law review and a member of the Moot Court Board.

## Leadership Positions

Class Action, MLD and Complex Litigation Cases where the attorneys of Carney Bates & Pulliam have held a leadership position of Lead or Co-Lead Plaintiffs' Counsel or as a member of the Executive Committee of Counsels:

*In re AFC Enterprises, Inc. Securities Litigation*, United States District Court for the Northern District of Georgia, Case No. 1:03-cv-0817-TWT (\$15 million settlement).

*Anderson, et al. v. Farmland Industries, Inc.*, United States District Court for the District of Kansas, Case No. 98-cv-2499-JWL (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

*ARcare, Inc. v. Qiagen North America Holdings, Inc., et al.*, Circuit Court of Lonoke County, Arkansas, Case No. 43CV-17-46 (Lead Counsel, \$15.5 million settlement).

*In re Ashanti Goldfields Securities Litigation*, United States District Court for the Eastern District of New York, Case No. CV-00-0717 (DGT) (RML) (Co-Lead Counsel; \$15 million settlement).

*Asher v. Baxter International, Inc., et al.*, United States District Court for the Northern District of Illinois, Eastern Division, Case No. 02 C 5608 (Co-Lead Counsel).

*In re Bank of America Credit Protection Marketing & Sales Practices Litig.*, United States District Court for the Northern District of California, Case No. 11-md-2269-THE (\$20 million settlement; member of Plaintiffs' Executive Committee).

*Bland, et al. v. Petromark, Inc., et al.*, Circuit Court of Boone County, Arkansas, Case No. CV-2003-3-2 (multi-party consolidated environmental litigation, Co-Lead Counsel).

*Campbell, et al. v. Facebook, Inc.*, United States District Court for the Northern District of California, Case No. 4:13-cv-05996-PJH (Co-Lead Counsel).

*In re Central Parking Corporation Securities Litigation*, United States District Court for the Middle District of Tennessee, Case No. 3:03-0546 (\$4.85 million settlement).

*Daniel, et al. v. Ford Motor Company*, United States District Court for the Eastern District of California, Case No. 2:11-02890 WBS EFB (Co-Lead Counsel).

*Desert Orchid Partners, LLC v. Transaction Systems Architects, Inc.*, United States District Court for the District of Nebraska, Case No. 02-cv-553 (\$24.5 million settlement; Co-Lead Counsel).

*In re Discover Credit Card Payment Protection Plan Marketing and Sales Practices Litig.*, United States District Court for the Northern District of Illinois, Case No. MDL No. 2217 (\$10.5 million; Co-Lead Counsel).

*In re DQE, Inc. Securities Litigation*, United States District Court, Western District of Pennsylvania, Case No. 01-1851 (Co-Lead Counsel; \$12 million settlement).

*In re Dynacq International, Inc. Securities Litigation*, United States District Court for the

Southern District of Texas, Houston Division, No. H-02-0377 (Co-Lead Counsel).

*Eastwood, et al. v. Southern Farm Bureau Cas. Ins. Co.*, United States District Court for the Western District of Arkansas, Case No. 11-3075 (Co-Lead Counsel; \$3.6 million settlement).

*Ebarle, et al. v. LifeLock, Inc.*, United States District Court for the Northern District of California, Case No. 3:15-cv-00258 (Co-Lead Counsel; \$81 million settlement).

*Econo-Med Pharmacy, Inc. v. Roche Diagnostics Corporation*, Southern District of Indiana, Case No. 1:16-cv-00789-TWP-MPB (Lead Counsel, \$17 million settlement).

*Esslinger v. HSBC Bank Nevada*, United States District Court for the Eastern District of Pennsylvania, Case No. 2:10-cv-03213-BMS (\$23.5 million; Co-Lead Counsel).

*In re Fleming Corporation Securities Litigation*, United States District Court for the Eastern District of Texas, Texarkana Division, No. 5-02-CV-178 (Co-Lead Counsel for 33 Act Claims; \$93.75 million settlement).

*Friedman v Rayovac Corporation, et al.*, United States District Court of the Western District of Wisconsin, Case No. 02-0308 (\$4 million settlement).

*Gaynor v. Thorne, et al.*, Circuit Court of Cook County, Illinois County, Dept of Chancery, Case No. 07-CH-14381.

*Garza v. J.D. Edwards & Co.*, United States District Court for the District of Colorado, Case No. 99-1744, (\$15 million settlement).

*Hardin, et al. v. BASF*, United States District Court for the Eastern District of Arkansas, Western Div., Consolidated No. 00-CV-00500 SWW (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

*Jensen, et al. v Cablevision Systems Corporation*, United States District Court for the Eastern District of New York, Case No. 2:15-cv-04188-LDW-ARL.

*In re Keyspan Corporation Securities Litigation*, United States District Court for the Eastern District of New York, Case No. 01-cv-5852 (ARR) (MDG).

*Kardonick v. JPMorganChase*, United States District Court for the Southern District of Florida, Case No. 1:10-cv-23235-WMH (\$20 million settlement; Co-Lead Counsel).

*King, et al., v. Hamilton Sundstrand Corporation*, District Court of Adams County, Colorado, Case No. 02-CV-2018 (Co-lead Counsel; \$2 million settlement of groundwater contamination case).

*In re Lernout & Hauspie Securities Litigation*, United States District Court for the District of Massachusetts, No. 00-CV-11589-PBS (Co-Lead Counsel; \$115 million settlement).

*In re Liberty Refund Anticipation Loan Litig.*, United States District Court for the Northern District of Illinois, Case No. 1:12-cv-02949 (Co-Lead Counsel; \$5.3 million settlement).

*Lynch v. JDN Realty Corp., et al.*, United States District Court for the Northern District of

Georgia, Atlanta Division, Case No. 1:00-CV-2539 (settled for over \$40 million in cash and stock with 11% of the total settlement allocated to Mr. Bowman's clients).

*Matera, et al. v. Google, Inc.*, United States District Court for the Northern District of California, Case No. 5:15-cv-04062-LHK.

*Middlesex County Retirement System v. Semtech Corp. et al.*, United States District Court for the Southern District of New York, Case No. 07-Civ-7183 (DC) (Co-Lead Counsel; \$20 million settlement).

*Montalvo v. Tripos, Inc. et al.*, United States District Court for the Eastern District of Missouri, Eastern Division, Case No. 4:03CV995SNL (Co-Lead; \$3,150,000 settlement).

*In re Monterey Pasta Company Securities Litigation*, United States District Court for the Northern District of California, Case No. 3:03 CV 00632 MJJ (Co-Lead Counsel).

*In re National Golf Properties, Inc. Securities Litigation*, United States District Court for the Central District of California, Western Division, Case No. 02-1383-GHK RZX; (\$4.175 million settlement).

*In re Nationwide Financial Services Litigation*, United States District Court for the Southern District of Ohio, Case No. 08-CV-00249 (\$5.05 per share increase in offer price; \$232.8 million value).

*Nelson, et al. v. Wal-Mart Stores, Inc.*, United States District Court for the Eastern District of Arkansas, Case No. 04-CV-00171 (Co-Lead Counsel; \$17.5 million).

*In re NewPower Holdings Securities Litigation*, United States District Court for the Southern District of New York, Case No. 01-cv-1550 (CLB) (Co-Lead Counsel; \$41 million settlement).

*Pennsylvania Avenue Funds v. Gerard H. Brandi, et al.*, Common Wealth of Massachusetts Superior Court, Middlesex County, Case No. CV 08-1057.

*Pierce v. Ryerson Inc. et al.*, Illinois Circuit Court, Cook County, Case No. 07 CH 21060.

*City of Pontiac General Employees' Retirement System v. CBS Corp.*, United States District Court for the Southern District of New York, Case No. 08-CV-10816 (LBS).

*In re Phycor Shareholder Litigation*, United States District Court for the Middle District of Tennessee, Nashville Division, Case No. 3-99-0807 (\$11.2 million cash settlement).

*The Quapaw Tribe of Oklahoma v. Blue Tee Corp.*, United States District Court for the Northern District of Oklahoma, Case No. 03-cv-0846-CVE-PJC (\$11.5 million settlement in a case against Asarco, LLC).

*Ruble, et. al. v. Rural Metro Corp., et. al.*, United States District Court for the District of Arizona, Case No. 99-cv-822-PHX-RGS.

*Sheet Metal Workers Local 28 Pension Fund v. Office Depot, Inc. et al.*, United States District Court for the Southern District of Florida, Case No. 07-81038-CIV-Hurley/Hopkins.

*Simpson, et al., v. Koppers, et al.*, Pulaski County Circuit Court, Third Division, Case No. CV-

00-1659 (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

*Slatten v. Rayovac Corporation, et al.*, United States District Court for the Western District of Wisconsin, Case No. 02 C 0325 C (Co-Lead Counsel; \$4 million settlement).

*Slone, et.al. v. Fifth Third*, United States District Court for the Southern District of Ohio, Case No. 03-cv-00211 (\$15 million settlement).

*Smith v. Intuit, Inc.*, United States District Court for the Northern District of California, Case No. 5:12-cv-00222 (\$6.55 million cash settlement).

*Spinelli v. Capital One Bank (USA), et al.*, United States District Court for the Middle District of Florida, Case No. 8:08-cv-132-T-33EAJ (more than \$100 million settlement; Co-Lead Counsel).

*State of New Mexico v. Discover Financial Services, Inc., et al.*, United States District Court for the District of New Mexico, Case No. 1:13-cv-00503 (\$2.15 million cash settlement).

*State of New Mexico v. JPMorgan Chase & Co., et al.*, United States District Court for the District of New Mexico, Case No. 1:13-cv-00472 (\$2,146,750.00 million cash settlement).

*In re Sterling Financial Corporation Securities Class Action*, United States District Court of the Southern District of New York, Case No. CV 07-2171(Co-Lead Counsel; \$10.25 million settlement).

*Stokes, et al. v. Government Employees Insurance Company d/b/a GEICO, et al.*, Circuit Court of Pulaski County, Arkansas, Civil Division, Case No. 60CV-13-4282 (Co-Lead Counsel; \$517,206.30 settlement).

*In re Supervalu, Inc. Securities Litigation*, United States District Court for the District of Minnesota, Case No. 02-CV-1738 (JEL/JGL) (Co-Lead Counsel; \$4 million settlement).

*Valuepoint Partners, Inc. v. ICN Pharmaceuticals, Inc. Et al.*, United States District Court for the Central District of California, Case No. 03-0989 (\$3,225,000 settlement)

*In re Vision America Securities Litigation*, United States District Court for the Middle District of Tennessee, Nashville Division, Case No. 3-00-0279 (\$5.9 million settlement).

*White v. Minnesota Mining & Manufacturing Co.*, United States District Court for the Eastern District of Arkansas, Western Div., Case No. LR-C-98-362 (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

*Williams, et al. v. State Farm*, Eastern District of Arkansas, Case No. 4:11-cv-00749-KGB (Co-Lead Counsel, \$21.7 million settlement).

*Wise, et al. v. Arkansas Aluminum Alloys, Inc., et al.*, Miller County Circuit Court; Case No. CIV-2003-14-1(multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

*Wroten, et al. v. Shelter Mutual Ins. Co*, Circuit Court of Pulaski County, Arkansas, Civil Division, Case No. 60CV-14-517 (Co-Lead Counsel; \$1,773,453.56 settlement).

*Wroten, et al. v. USable Mutual Ins. Co.*, Circuit Court of Pulaski County, Arkansas, Civil

Division, Case No. 60CV-14-516 (Co-Lead Counsel; \$1,234,585.00 settlement).

*Yvon DuPaul v. H. Edwin Trusheim, et al.* (Rehabcare Group), Circuit Court of the County of St. Louis, Missouri, Case No. 02 CC 3039 (Lead Derivative Counsel).